LIBRARY
OF THE
UNIVERSITY OF ILLINOIS
AUG 1913
ECONOMICS
DEPARTMENT

AMERICAN FEDERATION OF LABOR

801-809 G ST. N. W., WASHINGTON, D. C.

ADDRESS OF

A

SAMUEL GOMPERS,

President American Federation of Labor, before the Arbitration Conference, held at Chicago, Ill., December 17, 1900, under the Auspices of the National Civic Federation.

"And Esau said unto Jacob: 'Feed me, I pray thee . . . .'
And Jacob said: "Sell me this day thy birthright."
Then Jacob gave Esau bread and pottage of lentils and he did eat and drink, and rose up and went his way; thus Esau despised his birthright."
—Genesis, chap. 25, v. 30, 31, 34.

"Trojans, do not trust this horse,
Whatever it may be, I fear the Greeks,
Even when they bring us gifts."
—Aeneid, Book II.

PUBLISHED BY THE
AMERICAN FEDERATION OF LABOR
WASHINGTON, D. C.

ALLIED PRINTING TRADES UNION LABEL COUNCIL WASHINGTON 2

REDUCED PRICE LIST OF SUPPLIES.

CERTIFICATE OF AFFILIATION (CHARTER) with two English (German, Italian or Spanish) Manuals of Common Procedure, giving directions for opening and closing meetings, Installation of Officers, Initiation of Members, etc.....$5.00

CHARTER OUTFIT.....5.00

A Charter Outfit consists of one set of Books—Ledger, Day Book, Minute Book, Treasurer's Account Book, Treasurer's Receipt Book, Secretary's Order Book, one Seal, seven Constitutions, A. F. of L.; seven Certificates of Membership, Membership and Working Cards, one quire of Official Note Paper, one copy of the Official Proceedings of Convention, and one copy of History of Trade Unions.

Seal	$2.50
100-page Ledger	1.25
200-page Ledger	2.25
300-page Ledger	3.00
400-page Ledger	3.50
500-page Ledger	4.00
600-page Ledger	4.50
100-page Day Book	.85
Treasurer's Account Book	.50
Treasurer's Receipt Book	.50
Secretary's Order Book	.50
Minute Book	.50
Roll Call Book	.60
Membership and Working Cards, per 100	2.00
Official Letter Paper, with Seal, per 100	.50
Official Note Paper, with Seal, per 100	.40
Ode Cards, per 100	1.00
Traveling Cards, per dozen	.25
Manuals—English, German, Italian, or Spanish	.25
Blank Applications for Membership, per 100	.50
Certificates of Membership, per doz.	.50
Union Labels, per 1,000, 75 cts.; 5,000, $3; 10,000	5.00
Rolled gold Eight-hour Badges, each 50 cts.; per doz.	5.00
Eight-hour Campaign Buttons, each 5 cts.; per doz., 40 cts.; per 100	2.00
Constitution, American Federation of Labor, per 100	5.00
Honorable Withdrawal Cards, per doz.	.50

LABOR LITERATURE.

HISTORY OF TRADE UNIONS—By Wm. Trant, M. A.; with a sketch of the National and International Unions of America, by P. J. McGuire. Per copy, 10 cts.; doz., 75 cts.; 100, $5.00.

PHILOSOPHY OF TRADE UNIONS—By Dyer D. Lum. Per copy, 10c.; doz., $1; 100, $9.

THE EIGHT-HOUR PRIMER. The Fact, Theory, and the Argument—By George E. McNeill. Per copy, 5c.; doz., 50c.; 100, $4.

THE EIGHT-HOUR WORKDAY. Its Inauguration, Enforcement, and Influences—By Samuel Gompers. Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

THE ECONOMIC AND SOCIAL IMPORTANCE OF THE EIGHT-HOUR MOVEMENT—By Geo. Gunton. Per copy,5c.; doz., 50c.; 100, $4.

THE PHILOSPHY OF THE EIGHT HOUR MOVEMENT—By Lemuel Danryid. Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

UNION LABEL LAWS. A Digest. Per copy, $2.

INDUSTRIAL EDUCATION. Consisting of an Investigation and Report by a Competent Special Committee; Reports of Officers and Committees; Action of A. F. of L. Convention; the attitude of Organized Labor and Others Toward the Problem; a Glossary of Definitions, &c.; Labor's Bill for Congressional Enactment. Per copy, 25 cts.; doz., $2.00; 100, $15.00.

BUCKS' STOVE AND RANGE COMPANY INJUNCTION SUIT AND CONTEMPT PROCEEDINGS. A Compliation of the Essential Features and Principles Involved in this Famous Case. Per copy, 25 cts.; doz., $2.00; 100, $15.00.

HAS THE NON-UNIONIST A MORAL RIGHT TO WORK HOW, WHEN AND WHERE HE PLEASES?—By Frank K. Foster. Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

TRADE UNION EPIGRAMS. Some Reasons for the Faith That Is Within Us—By Walter MacArthur. Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

WHAT DOES LABOR WANT?—By Samuel Gompers; together with "The Philosphy of the Labor Movement," by George E. McNeill. Per copy, 5c.; doz., 50c.; 100, $4.

ORGANIZED LABOR; ITS STRUGGLES; ITS ENEMIES, AND FOOL FRIENDS—By Samuel Gompers. Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

THE "PHILOSOPHY OF THE LABOR MOVEMENT."—By George E. McNeill; together with "What Does Labor Want?" by Samuel Gompers. Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

NO COMPULSORY ARBITRATION—By Samuel Gompers. Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

OPEN SHOP EDITORIALS—By Samuel Gompers. Per copy, 5 cts.; doz., 50 cts.; 100, $4.

WHAT LABOR COULD DO—By John Swinton; with "Economic Conferences," by Wm. Salter, and a letter of Hon. Amos J. Cummins. Per copy, 5c.; doz., 50c.; 100, $4.

THE SAFETY OF THE FUTURE LIES IN ORGANIZED LABOR—By Henry D. Lloyd, of Chicago. (In English or German.) Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

UNIVERSAL EDUCATION—By Senator Henry W. Blair. Per copy, 5c.; doz., 50c.; 100, $4.

CONDITION OF WOMEN WORKERS—By Ida M. Van Etten. Per copy, 5 cts.; doz., 50 cts.; 100, $4.00.

WHY WE UNITE. Per copy, 2 cts.; doz., 20 cts.; 100, $1.50.

REPORT OF PROCEEDINGS A. F. OF L. CONVENTIONS. Per copy, 25 cts., doz., $3.00; 100, $20.00. Bound in half leather per volume, $2.00. Bound in silk cloth, per set, 1881-1911, $19.00.

THE UNION LABEL: ITS HISTORY AND AIMS. Prize Essays, by Walter MacArthur, P. H. Shevlin, and Charles D. Hemming. Per copy, 5 cts.; doz., 50 cts.; 100, $3.00.

SOME REASONS FOR CHINESE EXCLUSION. Published December, 1901, by the American Federation of Labor, being a comprehensive review of the whole question. Per copy, 5 cts.; doz., 50 cts.; 100, $4.

AN OPEN LETTER TO MINISTERS OF THE GOSPEL. Issued by the American Federation of Labor. Per copy,5c.;doz., 50c.;100, $4.

This is a **fac-simile** of the American Federation of Labor BADGE. It is of Rolled Gold, beautifully enameled in three colors—Red, White and Blue. They are sold at 50 cents each, $5.00 per dozen, or $38.00 per 100.

REMEMBER!

That Union Men Should Purchase Union-Made Goods.

That Union Men Should Demand Union-Label Goods; and that

"Whether you Work by the Piece or
Work by the Day,
Decreasing the Hours Increases the Pay."

LABOR AND REFORM LITERATURE FURNISHED AT PUBLISHER'S PRICES.

FRANK MORRISON, Secretary. **SAMUEL GOMPERS, Presi**

2-10-'12—M.

331.1
G586a
COPY 2

Address of Samuel Gompers, President American Federation of Labor, Before the Arbitration Conference, held at Chicago, Ill., Dec. 17, 1900, under Auspices of the National Civic Federation

Mr. Chairman, Ladies and Gentlemen: Had it not been for the fact that I was so busily engaged during the past few weeks, it would have afforded me extreme pleasure to have presented a prepared and well-digested paper. Inasmuch, however, as my life has been, and is, a very busy one, I shall be compelled to rely upon what I may be presumptuous enough to call my knowledge and experience of the subjects before this conference, to express my ideas upon them and to submit them to your kindly consideration. There are a few matters that I have already written and which I shall read a little later. But I may be pardoned at this juncture if I refer to a few of the expressions which have been given vent to this afternoon, and of which I felt it my duty to take notice and to submit to your consideration now. I would say before doing so, however, that this afternoon a gentleman read a paper to us containing some statements to which I desire to take positive exception.

When he had concluded his paper, walking through the aisle of the hall, I introduced myself to him and said that I expected to address the conference this evening and that I proposed to take exception to his remarks. I wanted to advise him of it, so that no one might accuse me of a desire to say anything in his absence that I would not say if he were present. One of the things to which I took exception is, that as an officer of the Atchison, Topeka and Santa Fe Railroad, he should undertake in this conference to present his side, the side of the railroad, in a strike which is still in progress, without a representative of the strikers being here to present their side of the controversy. (Applause.) It seemed to me that if the opportunity of this conference is to be taken advantage of for the presentation of the railroad's side of this controversy, due notice might have been given to the representative of the Order of Railway Telegraphers, in order that he might be here to listen to what was said and refute it, if necessary. (Applause.) I am not prepared to say that what the gentleman said was untrue, but one story is very good untill the other side is told.

One would imagine from the statements made that all the conciliation in the struggles of labor, as these terms are generally used, came from the side of the employers. Judging from his expressions one would imagine that the associations of capital have made overtures to refer to disinterested parties all the struggles and all the controversies and contests that have arisen, but, in truth, where there has been one offer on the side of the employers, whether they be of an individual or of an association of employers, there have been hundreds on the part of organized labor. We have become so accustomed to hear our proffer of a conciliatory policy met with the answer that there is nothing to arbitrate that it sounds quite strange upon our ears when we hear that any employer is willing to discuss the question at variance between us. (Applause.) I am not unmindful of the fact that there is a growing disposition on the part of employers that a conciliatory policy should be pursued, and to prevent hostilities, contentions, struggles and contests in the industrial field.

I am willing to concede that progress has been made on these lines, and a larger and a continually growing number of employers endeavor

to effect adjustments of disputes between them and their employes by a conciliatory policy. I want to say that it is the result of my observation, as it is the result of observation of any one who has or who may care to investigate it, that this changed policy is due wholly and entirely to the efforts of organized labor. (Applause.) And it is human nature. Men who possess all power in their dealings with pepple who possess absolutely no power, do not pursue a conciliatory policy. Conciliation between two parties having diverse interests is only pursued when they have either equal power or nearly equal power, and until the workers, the wage workers, united and demonstrated to the employers as a rule, and as a class, that they were no longer willing to have their interests treated absolutely from the one standpoint of the interests of the employing class. In other words, when the wage workers, once and for all, determined that they, too, must be taken into consideration in the matter of conducting the business of the country, then, and not until then, did the employers pursue a conciliatory policy. (Applause.)

Yes. One here and there, imbued with the humanitarian purpose, would gladly give his sympathy—but usually silent for fear of offense to his fellow business men. Fear to lose caste; fear to lose business. That policy is being pursued now to a greater degree than ever before. But I think it comes with poor grace from a representative of a large railroad company to come before this conference and to attribute all the faults of an industrial dispute and inferentially all the faults of all industrial disputes to the labor organizations. Our friend said this afternoon there is an effort to restrain capital, and there would be by this policy of compulsory arbitration. "There is no object to it," he said. "It might mean confiscation, but if it did this, would you restrain capital or would you confiscate capital and not restrain labor?" First, I would say in answer that we have no desire at all to restrain capital. That is, organized labor has not, and it would aid in resenting the attempt of politicians to interfere with industry. But even though society would attempt to interfere with or restrain capital, does it necessarily and logically and humanely follow that the same rule should apply to labor?

If labor were an inanimate object, then, perhaps, the analogy would hold; but inasmuch as you cannot differentiate labor from the laborer, there is a whole vista of difference. The difference is that one is inanimate, while the other is animate—human, living man. And we do not propose, by any process of reasoning, to permit, much less give, our consent, to accepting from the hands of our opponents, particularly opponents who are so bitter and hostile in their declarations, as well as their actions, a proposition that would fetter us to a condition little less than slavery. (Applause.) Shall I refer to the black list and the refusal of employers and corporations generally to refuse recognition to the associated efforts of the workers? How is it possible that arbitration shall take place at all unless it be through the associated efforts of the wage workers? To-day we heard a statement, made by a gentleman, undoubtedly well meaning, who spoke of the "deplorable condition of affairs" and this "dread disease" of strikes.

I admit that strikes ought to be avoided. I freely grant you that strikes are anything but pleasant incidents in the struggle of life; but I do imagine that there are some things more deplorable and that there are some diseases more dreadful than strikes. One would imagine that this nation has been completely ruined, that the people had become

dwarfed intellectually, had been stunted in their feelings, in their humanity, that their industry had been paralyzed and their commerce destroyed by strikes, when, as a matter of fact, out of the existence of this country, and we can scarcely count our national existence before the independence of the United States, there is not in the history of the world a similar instance of the growth, of the marvelous expansion of industry and commerce, of manhood and independence, of humanity, of grandeur, of stature, of beautiful womanhood, as there is in these United States of America (applause), and all within a little less than a century and a quarter. True, there have been strikes, and we have been inconvenienced by them, and there have been lockouts, and we have been sorely tried by them, but if we view the progress that has been made, surely there is nothing to warrant us in believing that the strikes and the lockouts, much as they are to be deplored, have proven so disastrous to the people of our country that they should require such drastic measures as have been proposed.

We strike. People in China do not strike. I wonder whether those who would try to prevent the workers from striking, or those who would punish the workers for striking, would like to change the condition from that which obtains in our country to that which obtains in China. If the absence of strikes was the measure of civilization, then China ought to stand at the head of the world. (Laughter and applause.) We have in the written history of struggles of the toiling masses of the wage-earners for a larger share in the produce of their toil. It was not always conducted upon the highly civilized plane of a strike. Strikes only occur in civilized countries. They are impossible where the people have not attained some degree of manhood and independence. Let me mention an incident which occurred not more than a year ago in a joint conference held between miners and mine operators for the adjustment of a scale of wages. It brings out a thought of those who believe that the employing class, as a rule, were those who first advocated conciliation. As you know, since the first coal miners' strike of 1897, the miners and the operators meet in annual session for the purpose of adopting the scales and other conditions of labor which shall operate for the ensuing year. They meet first separately, and then after in a joint convention. Just about parting, to discuss a provision of the agreement, one of the operators, who had been always an opponent to the joint conferences and joint agreements, but a very late convert to that idea, arose and delivered himself of an address, something after this fashion: "Mr. Chairman and Gentlemen: I want to say to you that I am thoroughly convinced that we are doing splendid work; that we have been brought together, the operators and miners," and, turning to the operators, he then said: "You operators, you are missionaries in this great work. Yes, sir, I am a missionary in this work." Then, turning to the miners, he said: "And you miners, you are missionaries; yes, missionaries. You are a missionary, I am a missionary," and was about to walk out, when one of the miners, who had steadily and for years been fighting for these joint conferences, and knew the continued opposition of this missionary, arose and said: "Mr. Chairman, did I understand Mr. Blank to say that he was a missionary?" The chairman answered him: "Yes, sir, that is what he said, 'that he was a missionary.'" "Well, sir, if Mr. Blank is a missionary, I only wish I were a cannibal, and I would eat him within the next five minutes." (Laughter.)

There has been so much said, and it has been said so often, in favor of arbitration, and particularly conciliation, between the employer and the employed, that little need be said by me, particularly at such a time, in favor of such a project, and I shall, therefore, direct the remainder of my remarks to the negative upon the proposition of so-called compulsory arbitration. And I should say that my remarks upon this point are largely remarks which I submitted to the convention recently held in Louisville, of the American Federation of Labor, unanimously endorsed, and largely too, the report of which a committee submitted to the convention, and also affirmed unanimously. In common with the general trend of organized labor to prevent strikes and lockouts whenever and wherever possible, a sentiment for arbitration has been awakened among the people of our country. There are some, however, who, playing upon the credulity of the uninformed, seek to divert the principle of arbitration into a coercive policy of so-called compulsory arbitration. In other words, the creation by States, or by the nation of boards or courts, with power to hear and determine each case in dispute between the workers and their employers, to make awards and, if necessary, to invoke the power of the Government to enforce the awards. Observers have for years noted that those inclined to this policy have devised many schemes to deny the workers the right to quit their employments, and the scheme of so-called compulsory arbitration is the latest design of the well-intentioned but uninformed, as well as the faddist and schemers.

Our movement seeks, and has to a certain extent secured, a diminution in the number of strikes, particularly among the best organized. In fact, the number and extent of strikes can be accurately gauged by the power, extent and financial resources of an organization in any trade or calling. The number of strikes rises with lack of or weakness in organization, and diminishes with the extent and power of the trades union movement. Through more compact and better equipped trades unions have come joint agreements and conciliations between workmen and associated employers, and only when conciliation has failed has it been necessary to resort to arbitration, and then the only successful arbitration was arbitration voluntarily entered into, resulting in awards voluntarily obeyed.

Organized labor cannot by attempted secrecy evade the provisions of an award reached by compulsory arbitration and determine upon a strike. By reason of our large numbers every act would be an open and public act known to all, while, on the other hand, an employer, or an association of employers, could easily evade the provisions of such a law or award by the modern process of enforcing a lockout; that is, to undertake a "reorganization" of their employes.

It is submitted that the very terms, arbitration and compulsory, stand in direct opposition to each other. Arbitration implies the voluntary action of two parties of diverse interests submitting to disinterested parties the question in dispute, or likely to come in dispute.

Compulsion, by any process, and particularly by the powers of government, is repugnant to the principle as well as to the policy of arbitration. If organized labor should fail to appreciate the danger involved in the proposed schemes of so-called compulsory arbitration, and consent to the enactment of a law providing for its enforcement, there would be introduced the denial of the right of the workers to strike in defense of their interests and the enforcement by the Government of specific and

personal service and labor. In other words, under a law based upon compulsory arbitration, if an award were made against labor, no matter how unfair or how unjust, and brought about by any means, no matter how questionable, we would be compelled to work or to suffer the stated penalty, which might be either mulcting in damages or going to jail, not one scintilla of distinction, not one jot removed from slavery.

It is strange how much men desire to compel other men to do by law. What we aim to achieve is freedom through organization. (Applause.)

Arbitration is only possible when voluntary. It never can be successfully carried out unless the parties to a dispute or controversy are equals, or nearly equals, in power to protect or defend themselves, or to inflict injury upon the other party. The more thoroughly the workers are organized in their local and national unions, and federated by common bond, policy and polity, the better shall we be able to avert strikes and lockouts, to secure conciliation, and, if necessary, arbitration, but it must be voluntary arbitration or there shall be no arbitration at all—voluntary in obedience to the award as well as voluntarily entered into.

It is our aim to avoid strikes, but I trust that the day will never come when the workers of our country will have so far lost their manhood and independence as to surrender their right to strike or refuse to strike. (Applause.) We seek to prevent strikes, but we realize that the best means by which they can be averted is to be the better prepared for them. We endeavor to prevent strikes, but there are some conditions far worse than strikes, and among them is a demoralized, degraded and debased manhood. Lest our attitude be misconstrued, we emphatically, and without ambiguity, declare our position. The right to quit work at any time, and for any reason sufficient to the workman himself, is the concrete expression of individual liberty. Liberty has been defined as the right to freely move from place to place. Hence any curtailment of this right, by and through law, or by and through contract enforced by law, is, in fact, a negation of liberty and a return to serfdom.

The industrial conciliation and arbitration law of New Zealand, the law creating and governing the Indiana Labor Commission and Arbitration Board, copied from the laws of 1897 and issued by the Indiana Commissioners, and the arbitration law of Illinois, as well as an act concerning carriers engaged in interstate commerce and other employes, approved June 1, 1898, along with other information from this and European countries, show that the kernel of all this species of legislation is a desire to prevent strikes by punishing the strikers. (Applause.) Our existing form of society is unquestionably based upon manufacture, commerce and transportation, and anything that disturbs the industries is resented, and means are sought to prevent a recurrence and to clothe it in such a garb that public opinion will accept it and permit its execution.

Dealing with this matter more specifically, we find that the New Zealand law provides for a Board of Conciliation, with power to use their best efforts in bringing the contending parties together and in causing them to make some agreement. This failing, it goes, upon the demand of one of the contending parties, before the Industrial Court, which has the power, as any other court, to hear and determine, and the award or sentence is enforced by the State in the usual way, by fine or imprisonment, or both, *the only distinction being that the trial by jury is dispensed with and an appeal denied.* The only relieving feature about

this law is that individuals cannot claim its protection. Men must voluntarily enter into a labor union or an association in order to come under its provisions. The Industrial Courts of France are, as I understand it, organized much in the same way. The bill to prevent strikes, which was introduced in the German Reichstag at the instance of the Government, had the same underlying motive, and practically the same way, of attaining this purpose. In the law adopted by the Hungarian Diet—we again meet the same purpose to prevent strikes by punishing the strikers. The question of extending the master and servant laws of Sweden to the industrial workers of that country was under discussion in the Swedish Ricksdag, and was for some time fiercely combatted by the lovers of liberty of that country, but it was finally adopted and the other day a strike on the street cars in Stockholm was suppressed by sending several of the strikers to prison for long terms.

Coming now to our own country, we find that a bill was introduced in Congress which would admit of every train being made a mail train, and which, under the Postal Laws, would have subjected the strikers in railroad transportation to imprisonment for delaying the mails. Through the efforts of the railroad brotherhoods and the American Federation of Labor the bill failed. Then followed the introduction of the Olney arbitration bill, which provided for arbitration, voluntary in submission, or in its initiatory stages, but with compulsory obedience to the award; that is, the award was to be enforced by a direct penalty for the individual violating the same. The Indiana law has the following provisions:

"An agreement to enter into arbitration under this act, shall be in writing, and shall state the issue to be submitted and decided, and shall have the effect of an agreement by the parties to abide by and perform the award."

And Section 10, page 133, reads as follows:

"The clerk of the Circuit Court shall record the papers delivered to him as directed in the last preceding section, in the order book of the Circuit Court. Any person who was a party to the arbitration proceedings may present to the Circuit Court of the county in which the hearing was had, or the judge thereof, in vacation, a verified petition referring to the proceedings and the record of them in the order book and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed. And, thereupon, the court or judge thereof, in vacation, shall grant a rule against the party or parties so charged, to show cause within five days why said award has not been obeyed, which shall be served by the sheriff as other process. Upon return made to the rule, the judge, or court, if in session, shall hear and determine the questions presented, and make such order or orders direct to the parties before him in personam, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made, *shall be deemed a contempt of court and may be punished accordingly*. But such punishment shall not extend to imprisonment except in case of willful and contumacious disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employes who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing before the commencement of the hearing."

It will be observed that this may be called voluntary arbitration, be-

cause it is voluntarily entered into. The parties agree from the very beginning that if they, for some reason sufficient to themselves, should decline to abide by and perform the award, they are willing that the judge alone, without any jury and without any limit as to time may send them to prison until they shall consent to perform the labor which the award enjoins upon them. The thought underlying this law is that the individual man may alienate his right to liberty, and it is, therefore, destructive of the fundamental principle of the Republic of the United States. It is equally dangerous with the New Zealand law, the Hungarian statute or the proposed law of Germany, because it aims at tying the worker to the mine, the factory or the means of transportation upon which he works, in the same way in which the agricultural worker, during the feudal era, was tied to the soil. I am not singling out the Indiana law as different from all the rest or worse than the rest. I quote it simply because it is before us. Paragraph five of the Illinois law reads as follows:

"In the event of a failure to abide by the decision of said board in any case in which both employer and employes shall have joined in the application, any person or persons aggrieved thereby may file with the clerk of the Circuit Court or the County Court of the county in which the offending party resides, or in the case of an employer in the county in which the place of employment is located, a duly authenticated copy of such decision, accompanied by a verified petition reciting the fact that such decision has not been complied with, and stating by whom and in what respect it has been disregarded. Thereupon the Circuit Court or the County Court, as the case may be, or the judge thereof, if in vacation, shall grant a rule against the party or parties so charged, to show cause within ten days why such decision has not been complied with, which shall be served by the sheriff as other process. Upon return made to the rule, the court or the judge thereof, if in vacation, shall hear and determine the questions presented, and to secure a compliance with such decision, may punish the offending party or parties for contempt, but such punishment shall in no case extend to imprisonment."

The difference between this section and the one quoted from the law of Indiana, aside from the final proviso, the value of which is doubtful, is in phraseology only; any further comment is, therefore, unnecessary.

The Manufacturers' Association of the South, meeting during the last year, decided to submit to the Legislature of each of the Southern States a law providing for term contracts, the violation of which would be PUNISHED AS A FELONY, and that they did this with the specific purpose of preventing strikes and of inviting Northern capital. When their attention was called to the fact that they were as yet not "bothered" by labor organizations, they answered: "That's true, and that's just the reason why we decided to take steps to prevent the formation of any and to stop strikes in the most effective manner."

All these schemes are reactionary in their character. They mean simply that the employers of to-day find themselves in a somewhat similar position to the employers of England after the "black death." The King issued a proclamation at that time that any one who would refuse to continue to work for the wages usually paid in a specified year of the King's reign, would by the State be compelled to labor at such wages, regardless of any wishes that he or she might have. The English Par-

liament later enacted this into a statute known as the "Statute of Laborers," and re-enacted it periodically with ever-increasing penalties, until Henry VIII, finding himself in need of funds, confiscated the Guild funds, and by impoverishing the organizations of labor at that time succeeded in enforcing the statute of laborers from that time on.

That law was every bit as fair upon its face as the laws of New Zealand, Indiana, Illinois, or any other of those laws with which I have any acquaintance, because it provided that the judges sitting in quarter sessions should hear both sides and then determine upon a "fair wage" for the year. Readers of "Six Centuries of Work and Wages," by Thorald Rogers, professor at the University of Oxford, will know the results to the English working people. Their daily hours of labor were increased, their wages reduced, until it was necessary to enact the "poor laws," and to quarter the worker upon the occupier, because he was continually being robbed by the employer. It has been stated by others that this law reduced the stature of the British workers by about two inches, and that the poverty—the real, dire poverty—to be found in the back alleys of English cities, even to this day, is largely caused by that species of legislation.

The thirteenth amendment to the Constitution of the United States, forbidding slavery or involuntary servitude, may perhaps be quoted to show that in our country no one can be compelled to work against his or her will, and that, therefore, there is no serious danger to individual liberty in the so-called "voluntary arbitration" laws.

In order that the working people and the true friends of freedom may make no mistake on this question, I quote from the decision of the Supreme Court of the United States in Robert Robertson et al. vs. Barry Baldwin, January 25, 1897, and beg to remind them that this is the only construction of the thirteenth amendment and the term involuntary servitude, so far as I know, ever given by the court. It reads as follows:

"The question whether section 4598 and 4599 conflict with the thirteenth amendment, forbidding slavery and involuntary servitude, depends upon the construction to be given the term 'involuntary servitude.' Does the epithet 'involuntary' attach to the word 'servitude' continuously and make illegal any service which becomes involuntary at any time during its existence, or does it attach only at the inception of the servitude and characterize it as unlawful, because unlawfully entered into? If the former be the true construction, then no one, not even a soldier, sailor or apprentice, can surrender his liberty even for a day, and the soldier may desert his regiment upon the eve of battle or the sailor at intermediate port or landing, or even in a storm at sea, provided only he can find means of escaping to another vessel. If the latter, then an individual may, for a valuable consideration, contract for the surrender of his personal liberty for a definite time and for a recognized purpose, and subordinate his going and coming to the will of another during the continuance of the contract. Not that all such contracts would be lawful, but that a servitude which was knowingly and willingly entered into could not be termed involuntary. Thus, if one should agree, for a yearly wage, to serve another in a particular capacity during his life, and never to leave his estate without his consent, the contract might not be enforcible for the want of a legal remedy, or might be void upon grounds of public policy. But the servitude could not be properly term-

ed involuntary. Such agreements for a limited personal servitude at one time were very common in England, and by statute of June 17, 1823 (4 Geo. IV, chap. 34, sec. 3), it was enacted that if any servant in husbandry, or any artificer, calico printer, hands craftman, miner, collier, keelman, pitman, glassman, potter, laborer or other person should contract to serve another for a definite time, and should desert such service during the term of the contract, he was made liable to a criminal punishment. The breach of a contract for personal service has not, however, been recognized in this country as involving a liability to criminal punishment, except in the cases of soldiers, sailors, and possibly some others, nor would public opinion tolerate a statute to that effect."

The only dissent from this construction comes from Justice Harlan, who, in his dissenting opinion, sends out to the country a warning against the awful consequences logically following from this decision in the following words:

"In considering this case it is our duty to look at the consequences of any decision that may be rendered. We cannot avoid this duty by saying that it will be time enough to consider supposed cases when they arise. When such supposed cases do arise, those who seek judicial support for extraordinary remedies that encroach upon the liberties of freemen will, of course, refer to the principles announced in previous adjudications and demand their application to the particular case in hand.

"It is, therefore, entirely appropriate to inquire as to the necessary results of the sanction given by this court to the statute here in question. If Congress, under its power to regulate commerce with foreign nations and among the several States, can authorize the arrest of a seaman who engaged to serve upon a private vessel, and compel him by force to return to the vessel and remain during the term for which he engaged, a similar rule may be prescribed as to employes upon railroads and steamboats engaged in commerce among the States. Even if it were conceded—a concession to be made only for argument's sake—that it could be made a criminal offense, punishable by fine or imprisonment, or both, for such employes to quit their employment before the expiration of the term for which they agreed to serve, it would not follow that they could be compelled, against their will and in advance of trial and conviction, to continue in such service. But the decision to-day logically leads to the conclusion that such a power exists in Congress. Again, as the Legislatures of the States have all legislative power not prohibited to them, while Congress can only exercise certain enumerated powers for accomplishing specified objects, why may not the States under the principles this day announced, compel all employes of railroads engaged in domestic commerce, and all domestic servants, and all employes in private establishments, within their respective limits, to remain with their employers during the terms for which they were severally engaged, under the penalty of being arrested by some sheriff or constable and forcibly returned to the service of their employers? The mere statement of these matters is sufficient to indicate the scope of the decision this day rendered."

That is, in part, my friends, the dissenting opinion of Justice Harlan.

I believe that the reason why many well-meaning, honest and conscientious men and women favor some form of compulsory arbitration arises from the fact that their attention has been called to the refusal to arbitrate on the part of some large corporations or other employers

of labor. It is felt that the rest of the public are made innocent sufferers and victims, and that there ought to be some way to give to the public the facts, in order that it might be known who is actually to blame. Whenever they are asked: "Do you want to send a man or a woman to jail for quitting work?" they immediately answer, "No, no." What they seem to desire is that these corporations or employers who refuse to arbitrate shall in some way be compelled to do so. This is manifestly impossible. Laws that are "jug handled," even if possible of enactment and execution, invariably have the handle so placed that the large corporations and employers of labor keep hold of the handle. Commissions, with power to examine and report, would seem to be more in line with what is actually desired, but I would call attention to the fact that even these have in them a feature dangerous to liberty, because from them may come, and sometimes do come, reports which have a tendency to warp public opinion and prepare it for measures which, without such preparation, the public would unhesitatingly repudiate.

If we want arbitration, and are earnest about it, then let those who have opposed our efforts heretofore encourage, rather than bitterly antagonize, the effort to organize the workers. (Applause.) The organization of the wage earner is a first essential to a conciliatory policy being pursued, and when conciliation fails, that arbitration voluntary in its inception and voluntary in obedience to the award may take the place of strikes or lockouts.

We recognize that peace is necessary to the carrying on of successful industry and commerce. We know that peace cannot be secured unless it is with the consent of the workers, who are realizing more than ever that their only hope to maintain their manhood to-day and to vouchsafe for their children the liberty which we now enjoy, lies in organized labor. (Applause.)

We shall insist upon the right to quit work whenever the conditions of the labor are irksome to us. If we should commit an error—which is likely—then we will be the sufferers more than any other or all other peoples, and we shall have learned by that error to avoid them in the future. But I repeat, with all the emphasis that I can command, that we shall always insist upon our right to quit work for any reason or for no reason at all. (Applause.)

After all, the employers as well as the laborers, if either make a mistake, will be called before the bar of that supreme authority—public opinion—before which monarchs and merchants, as well as laborers, are compelled to bow. (Applause.)

Conscious that we are right in our movement to secure better conditions for the workers; conscious that we are entitled to it, to a continual larger share of the ever-increasing production and the productivity of the laborer, we shall continue the struggle for better homes and better surroundings. We want your co-operation to attain those ends. We want the good will and the co-operation of all; but if that is withheld from us, we shall conclude to go on organizing and struggling for that goal in spite of the opposition. (Applause.)

"Beware
Of entrance to a quarrel; but being in,
Bear't that the opposed may beware of thee."
—Hamlet, Act 1, Scene 2.

"It is something not yet fully understood how perfectly safe freedom is." S. G.